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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/449,021	11/24/1999	HELMUT EMMELMANN	373-02	5718

24574 7590 11/30/2005

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EXAMINER

KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
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2192

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/449,021	Applicant(s) EMMELMANN, HELMUT	
	Examiner Chuck O. Kendall	Art Unit 2192	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 9/18/05 A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____.


 TED T. V. O.
 Primary Examiner

Continuation of 11. does NOT place the application in condition for allowance because: Regarding Applicant's argument in claim 1, of Applicant's response of 08/18/05, Applicant states that D'arlach (secondary art of record) doesn't teach "an editor directly operating on pages displayed by the browser via the editing features, thereby allowing the user to work on a functional application during development". Examiner still maintains that D'arlach does disclose this limitation and the plain language of Applicant's claim only calls for an editing a page being displayed by a browser. The mere mention of it being functional or during development doesn't part from the fact that what is claimed is just an editor which is capable of working on a displayed page. It would however be distinct, if Applicant claimed dynamically editing a web page while the webpage is being run on the browser. As claimed by Applicant being functional during development doesn't make it more or less dynamic or static as it could be construed as not having errors or being capable of working, and during development doesn't specify when exactly it is being modified. In D'arlach as previously recited in the rejection of 06/06/05, D'arlach teaches being able to dynamically maintain and generate Web sites (4:15 - 17). D'arlach further in 4:55 - 65, discloses the "functional application development" to be a prebuilt style template, which can be customized and displayed on the browser. Examiner still maintains and doesn't believe this (i.e. Applicant's claim 1) to be any different from what is being disclosed in D'arlach.

Regarding Applicant's second argument on page 3 of Applicant's (08/18/05) response, Applicant argues that D'arlach doesn't disclose "at least one component that reacts interactively on user input by executing instructions contained in said component on the server". Again Examiner believes that this limitation is taught by D'arlach. In D'arlach 4:40 - 48, D'arlach shows the user being able to interactively input data through the browser with regards to processing New html, which when processed (executed) is displayed back to user. Executing as claimed applicant is equivalent to modifying a template and displaying it on the browser. And with regards to a working copy, as argued by Applicant on page 2, of his (08/18/05) response, (same as functional file in development) as interpreted and as indicated on column, 5:25 - 40 or D'arlach, a working copy is a functional/working duplicate of the document being customized. The original file is kept preserved and the working copy is what is customized and maintained and later displayed. Applicant's claim doesn't excluded making backup copies of a file.